

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RO'KRISTIAN BROADNAX HILL,

Plaintiff,

v.

ERIC HOISINGTON,

Defendant.

Case No. 11-10333

SENIOR U.S. DISTRICT JUDGE
ARTHUR J. TARNOW

U.S. MAGISTRATE JUDGE
MONA K. MAJZOUB

**ORDER ENTERING AMENDED JUDGMENT; DENYING PLAINTIFF'S AMENDED
MOTION FOR TAXABLE COSTS [130]; AND DENYING AS MOOT PLAINTIFF'S
MOTION FOR EXTENSION OF TIME TO FILE AMENDED MOTION FOR TAXABLE
COSTS [129]**

On August 30, 2013, a jury returned a verdict finding Defendant liable on Plaintiff's battery claim but not on his 42 U.S.C. § 1983 claim for excessive force. The jury awarded Plaintiff \$5,000 in compensatory damages and \$37,500 in punitive damages. On September 17, 2013, Plaintiff filed a Bill of Costs [Dkt. #113] and a Motion for Taxable Costs [115]. On July 1, 2014, the Court issued an Order [126] entering judgment on the jury verdict (including its award of punitive damages), denying as moot Plaintiff's Motion for Taxable Costs, and directing Plaintiff to file an amended motion for taxable costs. Defendant appealed

the award of punitive damages. On July 30, 2014, Plaintiff filed the instant Amended Motion for Taxable Costs [130], along with a Motion for Extension of Time to File Amended Motion for Taxable Costs [129]. On August 31, 2015, the Sixth Circuit reversed the award of punitive damages and remanded for entry of a judgment including only an award of \$5,000 in compensatory damages. *Broadnax-Hill v. Hosington*, --- F. App'x ---, 2015 WL 5090805, at *3–*4, *6 (6th Cir. 2015). The Court now enters an amended judgment consistent with the Sixth Circuit's decision.

The Court denies Plaintiff's Motion for Taxable Costs [130]. Though taxation of costs is subject to the Court's review, it is initially a matter for determination by the Court clerk. FED. R. CIV. P. 54(d)(1) (providing that the clerk of the court may tax costs on fourteen days' notice and that the court may, on motion served within the next seven days, review the clerk's action); E.D. MICH. LOCAL R. 54.1 ("The clerk will tax costs under Fed. R. Civ. P. 54(d)(1) as provided in the Bill of Costs Handbook available from the clerk's office and the court's web site."); *FJN, LLC v. Parakh*, No. 09–14262, 2014 WL 7139859, at *12 (E.D. Mich. Dec. 12, 2014) (Tarnow, J.) (recognizing that taxation of costs is to be determined initially by the clerk, and denying motion for taxable costs without prejudice to parties' rights to seek review of clerk's future action).

Finally, since Plaintiff's Amended Motion for Taxable Costs [130] must be denied even if considered timely, Plaintiff's Motion for an Extension of Time to File [129] is denied as moot. Accordingly,

IT IS ORDERED that an amended judgment is **ENTERED** against Defendant in the amount of \$5,000 in compensatory damages, consistent with the Sixth Circuit's decision on appeal.

IT IS FURTHER ORDERED that Plaintiff's Amended Motion for Taxable Costs [130] is **DENIED** without prejudice to the parties' rights to seek review of the clerk's future action, if any, on taxable costs.

IT IS FURTHER ORDERED that Plaintiff's Motion for Extension of Time to File Amended Motion for Costs [129] is **DENIED** as moot.

SO ORDERED.

Dated: December 8, 2015

s/Arthur J. Tarnow

Arthur J. Tarnow

Senior United States District Judge